

Minutes of WC Section Council Meeting—September 6, 2013

Members Present: Palmer, Housefield, Rabideau, Parker, Combs, Frame, Esper, Conklin, Sesi, and Bava. Also present was Jack Wheatley who provided the MCAC report and Jack Nolish who provided the Director's report.

1. Chuck Palmer called the meeting at 9:00 a.m.
2. **Secretary's report:** Chris Rabideau submitted the minutes of the June 20, 2013 Section Council Meeting and the June 21, 2013 Annual Meeting. A minor correction was made to the minutes, and following a motion to accept the minutes as corrected, the motion passed.
3. **Treasurer's Report:** Ella Parker submitted the Treasurer's report. She noted that the ending balance after accounting for the annual meeting at Boyne Highlands is about \$68,500. We are down about \$7,000 from last year. Some of the expenses for the last year included Kid's Chance donation of \$7,500, 100th Anniversary Celebration at approximately \$7,500, the summer meeting at about \$6,000, and the Past Presidents' Golf Outing at \$332.00. She noted that the Section's expenses for the past year were greater than revenues, but that some expenses, such as the 100th Anniversary Celebration, were one-time expenses that the Section will not see on an annual basis. She stated that expenses totaled \$26,850 but we only brought in \$20,550 in dues. We also had \$3,685 in seminar income. Ella noted that the Council needs to continue to carefully watch costs for this coming year so that we do not continue a trend of expenses being greater than revenue. Phil Frame moved to accept the Treasurer's report, John Combs seconded, and the motion passed.
4. **Director's Report:** Deputy Director Jack Nolish reported that the Agency is moving forward with the replacement of the computer system. He indicated that the budget is set, a project manager has been hired, and vendors have been selected. He stated that practitioners will not see changes for about 24-30 months. Jack will be looking for input from the Section during the implementation process. The new system will offer such things as online claim filing, real-time docket status checks, and better insurance coverage look-up. Members then asked Jack questions and a lengthy discussion took place regarding some of the problems practitioners are having with the Optical Character Recognition (OCR) forms. Jack answered questions and explained that the application of OCR to image indexing data will enable the Agency to serve customers with greater efficiency. It will allow the Agency to locate forms as soon as they are scanned instead of waiting until its data is manually input into the system. Jack said that within the next couple of months practitioners will be able to scan forms from their offices instead of mailing the completed forms to the Agency. This process will be much like e-filing in other courts.

In other Agency news, Jack stated that the Administration is supporting the new CMS legislation HR 1982 and Kevin Elsenheimer will be going to Washington D.C. in November.

5. **MCAC Report:** Jack Wheatley reported that as of 1/1/2013 there were 151 workers' compensation cases pending on appeal and 73 of these were assigned to a panel. As of 8/30/13 there were only 90 workers' compensation cases pending with 41 assigned. The MCAC is disposing of cases but not many new cases are being filed.
6. **Magistrate's Report:** Chief Magistrate Lisa Klaeren provided a written statement that the Chair read to the Council: "There have been no significant changes at the Board of Magistrates since the last update at the Section Meeting in June at Boyne. The magistrates are continuing to focus on the percentage of aged cases (cases over 12 months old) and narrowing of the issues at trial. Medicare set-asides seem to be coming through a little bit quicker, which will move those cases off the CMS docket sooner and shorten the wait time to finalize a case. The number of cases going to trial has remained steady, but low overall. Facilitation remains a large part of what the magistrates are doing and seems to be productive towards resolution of cases in general. The vast majority of the magistrates continue to require facilitation before trial. The subpoena issue, while an impediment to the attorneys, has not been brought before any magistrate for resolution. Once a case is brought before a magistrate, a decision can be made (with the follow through by MCAC), and perhaps provide guidance to everyone on the obligation of the subpoenaed party (primarily hospitals, in this instance) to provide records without an authorization from the plaintiff."
7. **Old Business:**

A) Subpoena Problem: The Council had a lengthy discussion about the ongoing problem of health care providers' (primarily hospitals) unwillingness to comply with subpoenas without authorizations signed by plaintiffs. Chuck Palmer suggested that the Section members provide him with the names of the violators and he will talk to them about their legal requirement to comply. He will also talk to the Health Law Section of the SBM to educate counsel for the hospitals. He is committed to getting the issue resolved and believes that educating the violating providers and their attorneys is the best approach.

B) Copying charges for CDs: The Council discussed the problem of health care providers billing for copying medical records when only a CD containing the records is sent to the requesting party. The Health Care Services Rules does not address the modern reality of providers burning CDs instead of copying pages. Chuck Palmer will gather information from other organizations on a possible price structure for the cost of records when a CD is used, and then he will see if Director Elsenheimer can help with changes to the Health Care Services Rules.

8. **New Business:**

A) Meeting Schedule: The Council set the schedule for meetings for the rest of the year. The meetings will be held the first Friday of every month except meetings to be held in January on the 10th and in May on the 9th.

B) Past Presidents' Golf Outing: Tim Esper recommended that the Council go back to the old format for the Past Presidents' Golf Outing of golfing first, followed by a dinner in the evening.

C) Summer Meeting: The Council discussed the location of next year's summer meeting. Chuck Palmer has discovered that it is difficult to book a resort on Friday-Saturday because of lack of availability. He believes that we will need to stick with the Thursday-Friday format. Chuck is getting proposals from various places and will present these to the Council at next month's meeting.

D) Winter Meeting: Andrea Hamm has already secured the U Club at MSU for the Winter Meeting on December 6, 2013. Andrea is working on a specific bid from the U Club for the cost. Bill Housefield moved to grant Andrea Hamm up to \$3,000 for the facility and catering for the Winter Meeting. Phil Frame seconded, and the motion past. Chuck Palmer expressed an interest in having a panel discussion on the law on disability both before and after the 2011 amendments to the Act. Everyone was interested in this idea. Phil Frame stated that he will begin working on putting together a panel.

E) HR 1982: The Council discussed the MSA bill in Congress– HR 1982 and the summary provided by Chuck Palmer. By next meeting Chuck would like the Council to take a formal position on this legislation. Chuck will email a full copy of the bill to the Section. He will see if Joel Alpert or Denice LeVasseur will be available to come to the next meeting to discuss the bill and answer questions.

The meeting was adjourned at 10:13 a.m.

Respectfully Submitted,

Christopher J. Rabideau
WC Section Council Secretary